

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

LOIS THOMAS

v.

MAXIMIL HERRERA, ET AL

§
§
§
§
§


C.A. NO. C-04-619

ORDER DISMISSING CLAIM AND RETAINING CASE

On February 23, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 13). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's claims against Mr. Murray are dismissed without prejudice for failure to exhaust administrative remedies and the claim against Dr. Herrera is retained.

ORDERED this 29th day of July, 2005.


HAYDEN HEAD
CHIEF JUDGE